IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.235 OF 2001

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Shri Kamlesh V. More for the Petitioner.
Shri C.N.Chavan for the Respondent No.1.
Shri Dinkar Rao for the Respondent Nos.2 and 3.

CORAM : ABHAY S.OKA, J.
DATED : MARCH 30, 2007.

P.C.:

1. Heard Advocates appearing for the parties. The allegation made in the Petition is that the contemnors have committed breach of ad-interim order dated 24th April, 2001 passed by this Court in Civil Application No.395 of 2001 in Appeal From Order No.323 of 2001. The allegation in the Contempt Petition is that in breach of the said order the contemnors have started construction on the property in dispute and therefore, a police complaint was lodged by the Petitioner. The allegation is that on behalf of the first contemnor, the second and third contemnors who are his constituted attorney are carrying out construction. There are separate affidavits filed by second and third contemnors. In the said affidavits both of them have categorically stated that:

"5. With reference to para 4 and 5 of the said Petition, I vehemently deny that I stated or informed that myself and the contemnor No.2 would not abide by the order since we are only the C.A's of the Respondent No.1. I say that immediately on showing the order to us we stopped all the work of developing the plot of land and amalgamating it and we did not create any third party rights nor did we sell, transfer, encumber, develop, amalgamate or create any third party rights of any nature whatsoever in respect of the said property. I further say and submit that myself and the contemnor No.2 fully obeyed the order made by this Hon'ble Court".

2. There is a separate affidavit filed by even the first contemnor. Same stand has been taken in the said affidavit. Considering the fact that what is stated in the affidavits has not been controverted, no case is made out for taking any further action under the Contempt of Courts Act, 1971. Accordingly, Contempt Petition is disposed

of.

JUDGE